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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,947	03/15/2004	Martin Bentham	2197.033USU	4464

7590 10/11/2007  
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EXAMINER
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SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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10/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



# Office Action Summary

Application No.

10/800,947

Applicant(s)

BENTHAM ET AL.

Examiner

Andrew W. Sutton

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3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10,13-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 3/15/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cavdek (US 6,196,429). Cavdek illustrates in Fig. 4 a mannequin a first section 60 being made of plastic (Col. 2 line 31) which is resistant to damage such as cutting as claimed. Cavdek illustrates in Fig. 1 a second section 50 which is removably attached from to the first section 60 via the tabs 49 as shown in Fig. 4. The two combined sections as shown in Fig. 1 show a predetermined three dimensional shape where first and second sections join, making a smooth mating line. Cavek further illustrates a third



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section 44 joined between section 50 and 60 to provide a smooth mating lines and increase the 3d shape.

As to claim 2, Cavdek illustrates in Fig. 4 a first section 40 that has a cavity that is capable of receiving another first section during storage.

As to claim 5, Cavdek illustrates in Fig. 1 a fourth section 42 that is releasably secured to the third section 44 via the frame between the first and second sections. As to claim 5, Cavdek illustrates in Fig. 4 fourth section 44 that is releasably secured to the first section 60 via a hinge 39 as shown in Fig. 4 and creates a smooth mating line.

As to claim 6, Cavdek illustrates in Fig. 4 a first section 40 that has a cavity that is capable of receiving another first section during storage.

As to claim 7, Cavdek illustrate in Fig. 4 the fourth section 44 is secured between the first 60 and second 50 sections.

As to claim 10, Cavdek illustrate in Fig. 1, the three dimensional shape is a torso.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavdek (US 6,196,429). Cavdek discloses the device substantially above. However Cavdek does not state the mannequin form being made of metal. The applicant states



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no unexpected results or criticality to metal being used. It would have been obvious to one of ordinary skill in the art to use metal as the material for the mannequin as it is commonly used to represent the human form.

Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavdek (US 6,196,429) in view of Osmond (US 3,168,227). Cavdek teaches a first section 60, a second section 50 with a fourth section 42. Cavdek does not teach a magnetically securing joint. Osmond teaches a mannequin with magnetically 20 securable sections. It would have been obvious to one of ordinary skill in the art to modify the device of Cavdek to use the magnetic attachment to provide ease of joining and disjoining of the sections. The first section 60 is capable of receiving a portion of another first portion during storage.

As to claim 18, Cavdek/Osmond teaches a first section 60, a second section 50 with a third section 44 magnetically securable to the fourth section 42 with the first section 60 capable of receiving a portion of a first-fourth section in its cavity during storage.

As to claim 13, the smooth outer shape is a upper torso.

As to claim 15, the third section 44 is integrally formed with first section 60 when joined.

As to claim 17, the third section 44 includes a portion of the breast region.

### ***Conclusion***



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS  
10/3/07

  
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SUPERVISORY PATENT EXAMINER  
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